

**California Native Plant Society, Yerba Buena Chapter
Clean Water Action • Golden Gate Audubon Society • Nature in the City
Richardson Bay Audubon Center and Sanctuary
San Francisco Baykeeper • San Franciscans for Reasonable Growth
San Francisco League of Conservation Voters • San Francisco Tomorrow
Sierra Club, San Francisco Group • Sea Turtles.org • Telegraph Hill Dwellers**

December 14, 2011

Christina Olague, President
San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Agenda item 14, December 15, 2011 Agenda; Certification of Final Environmental Impact Report, The 34th America's Cup & James R. Herman Cruise Terminal and Northeast Wharf Plaza

Dear President Olague,

The above listed members of the Environmental Council respectfully request that this item be continued for at least one week in order to provide both the public and the Commission sufficient time to review the documents. On December 1, four volumes of Comments and Responses were released, already a significant amount of information to review. Unfortunately, neither the findings nor the Mitigation Monitoring and Reporting Program (MMRP) were included in the initial release. While we recognize that the Final Environmental Impact Report (EIR) contains strong environmental protections for the Bay's air, water, communities and habitats, many of our organizations remain concerned that the document does not describe in adequate detail how environmental measures will be implemented, monitored and enforced.

Our organizations have fully participated in the California Environmental Quality Act (CEQA) process and engaged in the development of the many plans intended to ensure that the America's Cup project has a minimal effect on the environment. Our primary request, stated in meetings, letters, scoping and DEIR comments, has been that measures to address the impacts of the project be fully identified and funded.

We appreciate efforts made by City staff to address significant water and air quality concerns. Unfortunately, the document that you are being asked to approve fails to adequately respond to the majority of the comments submitted by our organizations, and fails to fully and adequately identify and mitigate the impacts of the project. Furthermore, the failure to provide the MMRP with sufficient time for review means that we are unable to assess the adequacy of those mitigation measures that *are* cited in the document.

To cite just two examples of the document's shortcomings that could potentially be addressed in the MMRP:

Comment TR-4c includes three different comments expressing concern about the impact of AC34 events on MUNI riders in other parts of the City. Response TR-4C cites Response GEN-2, which in turn states that only "feasible" mitigations are included in the FEIR; by their inclusion the project sponsors are assumed to be able to underwrite them. Unfortunately, because no responsible party for mitigation is named and because CCSF is listed as a project

sponsor, the argument becomes circular. We **know** that Muni (and the General Fund) currently lack funding to provide current levels of service. If the City is responsible for funding mitigation measures, then services will be reduced for Muni riders in other parts of the City, particularly low-income residents that rely upon transit to get to work. (This impact requested by commenters, but not assessed in the FEIR). If mitigation is found to be infeasible, then services in the event area will be inadequate to serve visitors and residents. Therefore, the issue of who pays to implement the mitigation measures is an impact itself and the information about financial responsibility that is supposed to be included in the MMRP is essential.

Mitigation Measure M-B1-1b states: “The project sponsor will work closely with the NPS and the California Department of Parks and Recreation (CDPR) to develop a detailed strategy for protecting plant populations.”

Unfortunately, the FEIR does not specify how that protection will be ensured or who is responsible for implementing those protections, including monitoring the health of the plant communities and repairing any damage. The vagueness of the mitigation could be addressed by an adequate MMRP; but neither we, nor you as Commissioners, will have time to make that determination.

Additional shortcomings of the document could be cited, including the limited scope of the project description that excludes the study of impacts on adjacent neighborhoods and the inadequate selection of alternatives that refuse to contemplate either a continuation of the America’s Cup or the long-term development triggered by the event. We refer you to our August comment letter for further details.

We are very unhappy that we must submit this letter. We have been working for months, some of us for more than a year, to make this process work. We’re puzzled and dismayed that our expertise, efforts and goodwill and that of City staff have resulted in a document that, massive though it is, fails to provide the environmental certainty required by law. We urge you to give yourself sufficient time to review the complete document and direct staff to address the worst of its inadequacies. As always, we are happy to assist in this effort.

Sincerely,

Sincerely,

Gail Wechsler
California Native Plant Society
Yerba Buena Chapter

Jennifer Clary
Clean Water Action

Michael Lynes
Golden Gate Audubon

Peter Brastow
Nature in the City

Kerry Wilcox
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Deb Self
San Francisco Baykeeper

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Voters

Jan Blum
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San Franciscans for Reasonable Growth

Teri Shore
Seaturtles.org

Becky Evans
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Jon Golinger
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